

City of Mississauga Department Comments

Date Finalized: 2022-08-10	File(s): A330.22
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2022-08-18 1:00:00 PM

Consolidated Recommendation

The City has no objection to the variances. The applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a new dwelling proposing:

1. An eaves height of 7.53m (approx. 24.70ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance;
2. A driveway width of 8.54m (approx. 28.01ft) beyond 6.0m of the garage face, whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.50m (approx. 27.89ft) beyond 6.0m of a garage face in this instance;
3. A driveway area coverage of 56.6% whereas By-law 0225-2007, as amended, permits a maximum driveway area coverage of 50.0% in this instance;
4. A gross floor area of 507.48sq.m (approx. 5,462.47sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 463.28sq.m (approx. 4,986.70sq.ft) in this instance;
5. A front yard setback of 5.06m (approx. 16.60ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.50m (approx. 24.61ft) in this instance;
6. An exterior side yard setback of 4.79m (approx. 15.72ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yards setback of 7.50m (approx. 24.61ft) in this instance;
7. A garage face side setback of 5.68m (approx. 18.64ft) whereas By-law 0225-2007, as amended, requires a minimum garage face side setback of 7.50m (approx. 24.61ft) in this instance; and,
8. A driveway setback of 0.25m (approx. 0.82ft) whereas By-law 0225-2007, as amended, requires a minimum driveway setback of 0.60m (approx. 1.97ft) in this instance.

Background

Property Address: 996 Owenwood Dr

Mississauga Official Plan

Character Area: Clarkson-Lorne Park Neighbourhood

Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R2-5 - Residential

Other Applications: Site Plan Infill application under file SPI 21-183

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, southwest of Ogden Avenue and the South Service Road. The immediate neighbourhood is primarily residential, consisting of a mix of one and two storey-detached dwellings on large lots with mature vegetation in the front yards. The subject property contains an existing one-storey detached dwelling with minimal vegetation in the front yard.

The applicant is proposing a new dwelling requiring variances related to eave height, driveway width, lot coverage, gross floor area and setbacks.



Comments

Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to grant relief from the requirements of a municipal zoning by-law. Approval of applications must meet the requirements set out under 45(1) and/or 45(2) (a) or (b) in the *Planning Act*.

Staff comments concerning the application of the four tests to this minor variance request are as follows:

Does the proposal maintain the general intent and purpose of the Official Plan?

The subject property is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP), which permits detached dwellings. New housing is encouraged to fit the scale and character of the surrounding area to ensure that the new development has minimal impact on adjacent neighbours regarding overshadowing and overlook. The proposed detached dwelling respects the designated land use and has regard for the distribution of massing on the property as a whole. The new development will not negatively impact the character streetscape. Staff is of the opinion that the general intent and purpose of the official plan is maintained.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

Variance #1 pertains to eave height. The intent of restricting height to the eaves is to lessen the visual massing of dwelling by bringing the edge of the roof closer to the ground. By lowering the overall pitch of the roof, it keeps the dwelling within a human scale. The eave height of the dwelling varies, as the dwelling contains multiple rooflines. Furthermore, the proposed eave height variance is only to the eaves on the side and rear rooflines of the dwelling, not the front façade. Therefore, there would be no impact to the streetscape. Staff note that the dwelling's orientation, architectural features, placement of mature vegetation and presence on a corner lot will ensure that the dwelling's massing will not affect abutting properties. Lastly, there is a 40 cm (1.3ft) discrepancy between average and established grade. This will provide an eave height appearance of 7.13m (23.39ft) when viewed from the side and rear yards of the dwelling, which is a minor deviation from the maximum eave height permitted.

Variance #2 pertains to driveway width. Staff note the applicant is proposing a driveway width that is 4cm (1.57inches) larger than the maximum permitted driveway width. Therefore, the impact of the requested variance is negligible.

Variances #3, 5, 6, 7 and 8 are required as a direct result of the applicant's dedication of a sight triangle. Staff have no concerns with these variances, as the sight triangle will continue to appear as part of the property from the streetscape. Therefore, these variances are technical in nature and have negligible impacts to abutting properties or the streetscape.

Variance #4 pertains to gross floor area. The intent of the zoning by-law is to maintain compatibility between existing and newer dwellings to ensure the existing and planned character of the neighbourhood is preserved. The proposed dwelling contains architectural

features that break up the first and second storey, minimizing the overall massing in relation to the streetscape and neighbouring properties. The proposal is consistent with newer two-storey dwellings in the immediate area and does not pose a negative impact to the established neighbourhood character.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

Planning staff are of the opinion that the overall impacts created by the proposed variances are minor in nature. The proposal respects the property's designated land use and is compatible with the surrounding area context. Staff are satisfied that the proposal represents appropriate development of the subject property.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the proposed dwelling have been addressed through the Site Plan Application process, File SPI-21/183.







Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Site Plan Infill application under file SPI 21-183 W2. Based on review of the information currently available in the application, variances # 1, 4, and 6, as requested are correct.

Furthermore, we advise that additional information is required in order to validate the accuracy of the remaining variances, or to determine if additional variances are required.

Please note that comments reflect those provided through the above site plan application submitted on 01/20/2022 and should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the application file noted above, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedures, separately through the application process in order to receive updated comments.

Comments Prepared by: Jeanine Benitez, Zoning Examiner

Appendix 3 – Region of Peel

Development Engineering: Camila Marczuk (905) 791-7800 x8230

Comments: Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required. All works associated with the servicing of this site will be at the applicant's expense. For more information, please contact Servicing Connections at siteplanservicing@peelregion.ca

Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Region of Peel Site Servicing connection approvals are required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections at siteplanservicing@peelregion.ca

Comments Prepared by: Joseph Filice, Junior Planner